

REMARKS

Claims 2-13, 16-18, 22-33, 36-38 and 41-42 are pending in this application. By this Amendment, claims 41 and 42 are amended, and claims 2-13, 16-18 and 22-27, 29-33, 36-38 are amended to depend from claims 41 and 42, respectively, and to agree with amended claims 41 and 42. Claims 1 and 21 are canceled, without prejudice to or disclaimer of the subject matter recited therein. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) do not raise any new issue requiring further search and/or consideration as the amendments merely clarify previously recited features of the claims; and (b) place the application in better form for appeal. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The Advisory Action, in part, maintains the Final Rejection of claims 41 and 42 under 35 U.S.C. §102(e) over Layton et al. (Layton), U.S. Patent No. 6,829,478. The rejection is respectfully traversed.

Claims 41 and 42 are amended to more clearly recite features previously presented that are distinguishable over Layton. The previously presented distinguishing features were not addressed by the Final Rejection or the Advisory Action.

Specifically, the features following "wherein" in claims 41 and 42 as presented in the August 8, 2005 Amendment are emphasized in amended claims 41 and 42 by this Amendment. For example, claim 41 as amended recites an information notifying method comprising supervising physical phenomenon of a predetermined supervision area; when the physical phenomenon is detected by the supervising, notifying detection information indicating that the physical phenomenon is detected to each of a plurality of portable terminals while giving priority to a portable terminal closest to the supervision area based on location information of each portable terminal, the location information being detected by

using location detection function of each portable terminal; determining as to whether or not users of the portable terminals have accessed the notified detection information; and when it is determined that all of the users of the plurality of portable terminals have not accessed the detection information, notifying the detection information to an external apparatus other than the portable terminals.

Nowhere does Layton disclose or suggest notifying detection information indicating that the physical phenomenon is detected to each of a plurality of portable terminals while giving priority to a portable terminal closest to the supervision area based on location information of each portable terminal, the location information being detected by using location detection function of each portable terminal. Layton only discloses that if a contact is answered by a voice mail or an answering machine, a message is left (col. 9, lines 13-26). Thus, because Layton does not disclose or suggest notifying detection information indicating that the physical phenomenon is detected to each of a plurality of portable terminals while giving priority to a portable terminal closest to the supervision area based on location information of each portable terminal, the location information being detected by using location detection function of each portable terminal, Layton fails to disclose or suggest all of the features recited in claim 41.

Claim 42 is an apparatus claim reciting features similar to those of claim 41. For at least the same reasons discussed above, Layton fails to disclose or suggest all of the features recited in claim 42.

The November 2, 2005 Office Action also finally rejects claims 1-8, 10-13, 16-18, 21-28, 30-33 and 36-38 under 35 U.S.C. §102(e) over Layton et al. (Layton), U.S. Patent No. 6,829,478; and finally rejects claims 9 and 29 under 35 U.S.C. §103(a) over Layton in view of Vaio, U.S. Patent No. 6,271,752. The rejection of canceled claims 1 and 21 is moot. The rejection of claims 2-13, 16-18, 22-33, 36-38 is respectfully traversed. Because claims 2-13, 16-18 and 22-27, 29-33, 36-38 incorporate the features of claims 41 and 42, respectively, as


amended to depend therefrom, Layton fails to disclose or suggest the features of any of these claims for at least the reasons discussed above as well as for the additional features found therein.

Therefore, it is respectfully submitted that claims 2-13, 16-18, 22-33, 36-38 and 41-42 define patentable subject matter. Thus, it is respectfully requested the rejections issued in the November 2, 2005 Final Rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 2-13, 16-18, 22-33, 36-38 and 41-42 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

David R. Kemeny
Registration No. 57,241

JAO:DRK/smo

Date: May 2, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
